

**UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF NEW YORK**

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DINO PALADINO,

Plaintiff,

- against -

DHL EXPRESS (USA), INC. and,  
INTERNATIONAL BROTHERHOOD OF  
TEAMSTERS AIR FREIGHT CHAUFFERS,  
HANDLERS, WAREHOUSEMEN & ALLIED  
WORKERS UNION NO. 295,

Defendants.  
-----X

07 Civ. 1579 (DRH) (ARL)

**AFFIDAVIT OF JOHN  
NUTTALL IN SUPPORT OF  
SUMMARY JUDGMENT**

STATE OF NEW JERSEY    )  
                                  ) ss:  
COUNTY OF UNION        )

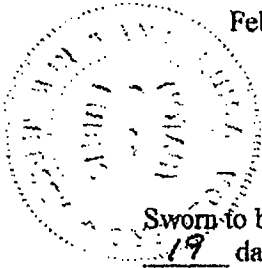
JOHN NUTTALL, being duly sworn, deposes and says:

1.           I am currently the Labor Relations Manager for DHL Express (USA), Inc. ("DHL") and submit this affidavit in support of DHL's Motion for Summary Judgment in connection with the above-captioned matter.

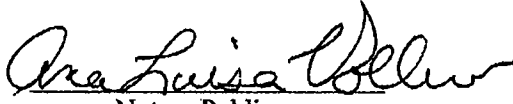
2.           Under the collective bargaining agreement between DHL and Local 295 ("CBA"), "theft" has consistently been interpreted by both DHL and Local 295 to include "theft of time."

3.           Stanley Aiges is the long-time grievance arbitrator under the CBA (including predecessor agreements).

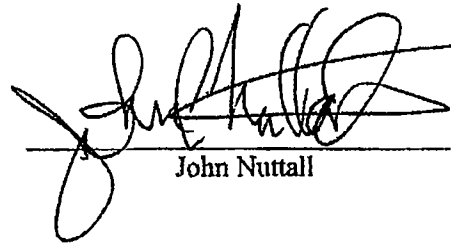
Dated: Elizabeth, New Jersey  
February 19, 2009



Sworn to before me this  
19 day of February 2009

  
Notary Public

ANA LUISA VULLERO  
NOTARY PUBLIC OF NEW JERSEY  
Commission Expires 10/20/2009

  
John Nuttall

**CERTIFICATE OF SERVICE**

I hereby certify that a true and copy of the foregoing Affidavit of John Nuttall in Support of Defendant's Motion for Summary Judgment, dated February 19, 2009, was served via overnight delivery, this 20<sup>th</sup> day of February 2009, upon the following counsels:

To: Kosta K. Kollef, Esq.  
Law Office of Michael G. O'Neill  
30 Vesey Street, 3rd Floor  
New York, New York 10007

*Counsel for Plaintiff Dino Paladino*

Joshua S.C. Parkhurst, Esq.  
Cary Kane LLP  
1350 Broadway, Suite 815  
New York, New York 10018

*Counsel for Defendant International Brotherhood of Teamsters Air Freight  
Chauffeurs, Handlers, Warehousemen & Allied Workers Union No. 295*



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Cindy E. Uh

Dated: New York, New York  
February 20, 2009